



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/435,072	05/08/95	SOMERS	M 70213
15M2/1222			DIXON, EXAMINER
MARK A MONTGOMERY EASTMAN CHEMICAL COMPANY PO BOX 511 KINGSPORT TN 37662			ART UNIT PAPER NUMBER 1513
DATE MAILED:			12/22/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.                 | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-7 8-20 are pending in the application.  
Of the above, claims 8-20 are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-7 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

BEST AVAILABLE COPY

15. The Abstract of the Disclosure is objected to because it contains brackets. Correction is required. See M.P.E.P. § 608.01(b).

16. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

17. Applicant's invention is directed a process for coextruding copolymers, accordingly, limitations directed to manipulative steps will be considered germane to the instant question for patentability. It has long been held that to be entitled to weight in method claims, any recited structural limitations therein must affect the method in a manipulative sense, and not amount to the mere claiming of a use of a particular structure. Ex parte Pfeiffer, 1962 C.D. 408 (1961). The herein rejection is made in accordance with the above.

18. Applicant's election with traverse of claims 1 - 7 in Paper No. 7 is acknowledged. The traversal is on the ground(s) that the fact the composition of Group II can be made by a different process than Group I is irrelevant. This is not found persuasive because the restriction is deemed proper for reasons specifically set forth in the requirement and applicant has not shown why such restriction is in error.

The requirement is still deemed proper and is therefore made FINAL.

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20. Claims 1 - 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by McCoskey et al(5041251).

The cited reference teaches the claimed manipulative steps including providing an amorphous copolymer at an extrusion die, coextruding said copolymer, contacting the resulting product with a non-sticky polyolefin, cutting the resulting product and

coating the product. ( col 2, lines 27 - 63. col 4, lines 8 - 16. col 5, lines 11 - 13)Also see claims 1 - 21.

Concerning claims 2 -7, the specific types of article employed in the claimed invention are directed to mere obvious matters of article design/desired choices which are of no patentable consequences to the claimed invention. Additionally, it is submitted that such particular products would have been apparent in the cited reference for reasons therein (see reference).

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Somers (5109892), Colombani and Thaler et al are cited of interest to show the state of the art and additionall for their respective teachings as set forth.

22. **Crystal Mall 1 Fax Center**


A facsimile center has been established in Crystal Mall 1, room 7C11. The hours of operations are Monday through Friday, 8:45 AM to 4:45 PM. This new location should be used in all instances when faxing any correspondence to Group 1500. The Patent Examining Fax Center telecopier numbers are (703) 305-3596 and (703) 305-3612. Use of the new Crystal Mall 1 center will facilitate rapid delivery of materials to the group. The faxing

Serial Number: 08/435072  
Art Unit: 1513

-4-

of all papers must conform with the notice published in the  
Official Gazette, 1096 O.G. 30 (November 15, 1989).

23. Any inquiry concerning this communication should be directed  
to Merrick Dixon at telephone number (703) 308-0013.

  
PATRICK J. RYAN  
SUPERVISORY PATENT EXAMINER  
GROUP 151

Merrick Dixon

Group 1500